

North Little Rock Board of Adjustment

Minutes April 30, 2009

The regular meeting of the North Little Rock Board of Adjustment was called to order by Chairman Carl Jackson at 1:35 P.M. in the Planning Office (Conference Room B).

Members Present

Debra Roberts
Tom Brown
Jimmy Phillips
Andy Hight
Carl Jackson, Chairman

Members Absent

None

Staff Present

Robert Voyles, Planning Director
Wade Dunlap, City Planner
B. J. Jones, Secretary

Others Present

Holly Parker, 1354 Skyline Dr, NLR, AR
Clayton Parker, 1354 Skyline Dr., NLR, AR

Approval of Minutes

Ms. Roberts made the motion to approve the minutes of the March 26, 2009 meeting as submitted.

Mr. Phillips seconded the motion. There was no dissent.

Old Business

1. **BOA CASE #1423** – Mr. Donald Clayton Parker – 1354 Skyline Drive – Lot 17, and the W 1/2 Lot 16, Block 130 Park Hill Addition – To allow a front porch with a front yard setback variance of 15 ft., allowing the porch to be 10.5 ft. from the front property line.

Chairman Jackson stated the case number, the applicant's name and requested that the applicant come before the Board. He asked the Parkers to re-state their hardship for the Board and directed the Board's attention to a letter that had been received from the neighbors of the Parkers.

Mr. Voyles presented his findings in the noise measurements he had been directed to make at last month's meeting by the Board.

Chairman Jackson asked for the noise ordinance.

Mr. Brown asked to hear the hardship.

Chairman Jackson stated that this is a waiver board and asked the Parkers to state a hardship.

Mrs. Parker reminded the Board that the noise level in their backyard is excessive due to Interstate 40 located adjacent to the rear of the property.

Chairman Jackson asked staff to explain the sound measurements that had been taken.

Mr. Dunlap explained that measurements had been taken on three different days at three different times of day and that there is an average of a twenty percent difference between the front and rear yards.

Mrs. Parker asked for clarity on the issue of decibels, noting that an increase in decibels is not linear.

Mr. Voyles explained that the measurements placed the front yard below a normal conversation level, while the rear yard is at the top of the range for conversation level.

Ms. Roberts added that she had had a conversation with an engineer at her office to understand what decibel measurements meant in layman's terms. She shared her findings with the Board.

Mr. Voyles added that the noise levels in the mornings are not so severe, as the interstate traffic is so backed up that speeds are notably slowed. He noted that higher speeds are noticeably louder.

Mr. Dunlap added that the noise levels spiked at 70 to 75 mph.

Mr. Hight explained that his office did site assessments and noise abatement study. He informed the Board that in his use, any decibel reading over 65 is an unacceptable site. Readings between 55 and 65 would only be acceptable with adjustments. He explained that the government would use such a scale to choose a site for such things as an apartment site.

Ms. Roberts asked why the Parkers preferred a deck, rather than a patio, considering that the front of the house is so low.

Mr. Voyles replied that they could add a concrete patio without a permit, but that the Parkers want to add an arbor for shading.

Mr. Brown stated that he did not think the Parkers had a valid hardship. He noted others in the area that had been denied.

There was additional discussion to define hardship or structure.

Mrs. Parker presented information on studies specific to traffic noises.

Chairman Jackson explained that the Board must consider previously considered cases and remain consistent.

There was some additional discussion regarding the specifics of the structure the Parkers are asking to install.

Mr. Hight formed the motion to approve the applicant's request. His motion was seconded by Ms. Roberts, but the remaining three Board members all voted against the motion, therefore, denying the applicant's request.

Chairman Jackson encouraged the Parkers to work with staff to find another solution or compromise.

There were some additional questions from the Board, directed to Staff, asking what constituted a structure requiring a permit or waiver.

Mr. Parker asked Mr. Brown what he would consider a hardship.

Mr. Brown began to respond with an example of a man in a wheelchair, but Chairman Jackson interrupted with the explanation that the case had already been decided and there would be no more discussion of the case. He directed the Parkers to see staff after the meeting.

Administrative:

Mr. Phillips asked Mr. Voyles to investigate an auto auction site that is being advertised by Crain or Landers. He is concerned they do not have the proper credentials from the city for this venture.

Ms. Roberts asked that staff investigate the property mentioned in the Parkers' neighbors' letter on BelMont and Skyline that seemed to be staging a construction business in the front yard.

PUBLIC COMMENT/ADJOURNMENT:

Mr. Brown made the motion to adjourn at 2:02 pm and there was no dissent.

PASSED: _____ RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN

ROBERT VOYLES, DIRECTOR